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David Aker
23 Southern Road
Hartsdale, NY 10530

EXAMINER
JOO, JOSHUA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 August 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-9, 11-21, 23-33, 35-36_ is/are rejected.

7)☒ Claim(s) _10,22 and 34_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _16 December 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

1.   This Office action is in response to communication dated 08/27/2008.

      Claims 1-36 are pending for examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's amendment. Applicant argued that:

3.   (1) Chang clearly has no intention of backing up and retaining the data on computing device 170.

4.   In response, Examiner respectfully disagrees that Chang does not back up and retain data on a computing device. Chang teaches,

> i) A wireless data retrieving method, comprising: copying digital data from a first computing device to a public segment of a memory component of a communication device for enabling transfer of the digital data, the communication device being connected externally to the first computing device through an external interface and including a wireless component for wireless communication; from a second computing device, discovering and selecting the communication device connected to the first computing device; selecting the digital data for wireless retrieval to the second computing device; and transmitting the digital data by wireless communication from the communication device to the second computing device. (Claim 32)

> ii) "As another alternative implementation, all applications and data can be retained in the computing device 170 when communication device 100-500 is unplugged. This may be preferred in certain cases such as if privacy and security is not an issue." (Paragraph 0071)

5.   Chang teaches of copying data from a first computing device to a second computing device via storage device (see above passage i). Chang further teaches that the data on a computing device can be retained (see passage ii). Therefore, Chang teaches of backing up data and retaining the data on a computing device.

6.   (2) The combination of Chang and Fanning et al. do not teach or suggest a feature of backing up

to an intermediate device connected to the network, and from the intermediate device to a server. Chang

actually teaches away from this approach by requiring data be discarded.

7.   In response, Examiner respectfully disagrees that Chang and Fanning do not teach or suggest the

feature. Chang teaches of copying data to a communication device connected to a network and from the

communication to a computing device (see passage i and paragraph 0062). Therefore, Chang teaches of

backing up to an intermediate device connected to the network, and from the intermediate device to a

server.

Allowable Subject Matter

8.   Claims 10, 22, and 34 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 1-2, 7-8, 13, 16, 19-20, 25-26, 31-32 are rejected under 35 U.S.C. 102(e) as being

anticipated by Chang, US Publication #2004/0125782 (Chang hereinafter).

11.   As per claims 1 and 25, Chang teaches the invention as claimed including in a system having a

client computer, and apparatus for connecting said client computer to a network having a server for

backing up said client computer, a method for transferring data from said client computer to said server,

comprising:

connecting said client computer to said network (Paragraph 0040. Computing device. Paragraph

0060. Device in wireless communication.);

backing up data on said client computer to a storage device attached to said network when said

client computer is connected to said network (Paragraphs 0060-0061. Send content to comm. device for

storage.); and

transferring the data from said storage device to said server to back up and retain said data on said

server (Paragraphs 0039; 0062. Data is transferred to the computing device 170. Paragraph 0071. Retain

data.).

12.   As per claim 13, Chang teaches the invention as claimed including a system for backing up data

on a client computer to a server on a network, said system comprising:

connection apparatus for connecting said client computer to said network (fig. 1; Paragraph 0040.

Computing device. Paragraph 0060. Device in wireless communication. An interface is essential for

network connection.); and

a storage device connected to said network for backing up data from said client computer when

said client computer is connected to said network (Paragraphs 0060-0061. Send content to comm. device

for storage.), said storage device being configured to transfer said data to said server at a time determined

by said server to back up and retain said data on said server (Paragraph 0062. Data is transferred to the

computing device 170. Computing device 170 automatically transfers data. Paragraph 0071. Retain

data.).

13.   As per claims 2 and 26, Chang teaches the invention as recited in claims 1 and 25, wherein said

transferring of said data from said storage device to said server occurs at a time determined by said server

(Paragraph 0062. Computing device 170 automatically transfers data.).

14.   As per claims 7, 19, and 31, Chang teaches the invention as recited in claims 1, 13, and 25

wherein said connecting comprises establishing a data transfer link between said client computer and said

data storage device (Paragraphs 0060-0061. Transmit data from device 180 to comm. device 100.).

15.   As per claims 8, 20, and 32, Chang teaches the invention as recited in claims 7, 19, and 31

wherein said data transfer link comprises a wireless link or an infrared link (Paragraphs 0034; 0093.

Wireless interface such as infrared).

16.   As per claim 16, Chang teaches the system as recited in claim 13, further comprising an interface

between said connection apparatus and said storage device, said interface having a processor to facilitate

transfer of data (Paragraph 0038; 0047. Processor. Paragraph 0061. Comm. device receives and stores

data transmitted from mobile device.).

Claim Rejections - 35 USC § 103

17.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

18.   Claims 3-4, 14-15, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Chang, in view of Christopher, US Publication #2002/0163780 (Christopher hereinafter).

19.   As per claims 3 and 27, Chang does not specifically teach the invention as recited in claims 1 and

25, wherein said connecting comprises connecting said client computer to a docking station connected to

said network.

20.   Christopher teaches a system for a synchronization docking station, wherein a client computer

connects to a docking station (fig. 1; paragraph 0018).

21.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Chang and Christopher for a client computer to connect to a docking station.

The motivation for the suggested combination is that Christopher's teachings of connecting to a docking

station would provide an improvement to Chang's system by implementing an apparatus capable of

battery recharge of a computing device as taught by Christopher (Paragraph 0023).

22.   As per claims 4 and 28, Chang does not specifically teach the invention as recited in claims 3 and

27, wherein the storage device is associated with said docking station.

23.   Christopher teaches a system for a synchronization docking station, wherein a docking station

comprises a storage device (fig. 1; paragraph 0018).

24.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Chang and Christopher for the storage to be associated with a docking station.

The motivation for the suggested combination is that Christopher's teachings would provide additional

storage for backing up data and would achieve a desirable and predictable result of providing a battery

recharge of a mobile device as taught by Christopher (Paragraph 0023).

25.   As per claim 14, Chang does not specifically teach the invention as recited in claim 13, wherein said connection apparatus is a docking station for said client computer.

26.   Christopher teaches a system for a synchronization docking station, wherein a client computer connects to a docking station (fig. 1; paragraph 0018).

27.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and Christopher for a client computer to connect to a docking station. The motivation for the suggested combination is that Christopher's teachings of a docking station would provide an improvement to Chang's system by implementing an apparatus capable of battery recharge of a computing device as taught by Christopher (Paragraph 0023).

28.   As per claim 15, Chang does not specifically teach the invention as recited in claim 14, wherein said storage device is associated with said docking station.

29.   Christopher teaches a system for a synchronization docking station, wherein a docking station comprises a storage device (fig. 1; paragraph 0018).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and Christopher for a docking station to comprise a storage device. The motivation for the suggested combination is that Christopher's teachings would provide additional storage for backing up data and would achieve a desirable and predictable result of providing a battery recharge of a mobile device as taught by Christopher (Paragraph 0023).

31.   Claims 5, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Rams et al. US Publication #2005/0086241 (Rams hereinafter).

32.   As per claims 5, 17, and 29, Chang teaches the invention as recited in claims 1, 13, and 25 further comprising: connecting said client computer to said network a plurality of times before said server backs up said data on said client computer and creating a new data set on said storage device for transfer to said server (Paragraphs 0060-0061. Mobile device sends content to communication device for storage. Content is transferred when the device is plugged into computing device.). Chang does not specifically teach of creating a new data set on said storage device each time said client computer is connected to said network so as to create data sets.

33.   Rams teaches of a method for backing up data, wherein a new data set is created on a storage device each time said client computer is connected to a network so as to create data sets (Paragraph 0029).

34.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the creating of a new data set on said storage device for transfer to said server as taught by Chang to include creating a new data set on a storage device each time said client computer is connected to a network so as to create data sets as taught by Rams.   The motivation for the suggested combination is that Rams' teachings would provide an improvement to Chang's teachings by allowing automatic protection of data as suggested by Rams.

35.   Claims 6, 18, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and Rams, in view of Schilders, WO 03/001378, January 3, 2003 (Schilders hereinafter).

36.   As per claims 6 and 18, Chang and Rams do not specifically teach the invention as recited in claims 5 and 17, wherein said data sets are transferred to said server in an order in which said data sets were created.

37.   Schilders teaches of transferring files between nodes, wherein data sets are transferred in an order in which the data sets were created (Page 13, lines 11-16).

38.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to transfer the data sets to the server in an order in which the data sets were created.   The motivation for the suggested combination is that Schilder's teachings would provide an improvement to the suggested system by implementing file transfers that allow safe and reliable transfer of files between nodes as suggested by Schilder.

39.   As per claim 30, Chang does not specifically teach the computer usable medium as recited in claim 25, wherein in the method, data sets of backup data are transferred to said server in the order in which said data sets were created.

40.   Schilders teaches of transferring files between nodes, wherein data sets are transferred in an order in which the data sets were created (Page 13, lines 11-16).

41.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to transfer the data sets to the server in an order in which the data sets were created.   The motivation for the suggested combination is that Schilder's teachings would provide an improvement to the suggested system by implementing file transfers that allow safe and reliable transfer of files between nodes as suggested by Schilder.

42.   Claims 9, 21, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Cho et al., US Patent #5,798,951 (Cho hereinafter).

43.   As per claims 9, 21, and 33, Chang teaches of transferring data stored on said storage device in said client computer to said storage device attached to said network. Chang does not specifically teach

the invention as recited in claims 1, 13, and 25 wherein if said client computer is off when connected to said network, the method further comprises: powering up a storage device in said client computer.

44.   Cho teaches of a system for connecting a client (portable) computer to a docking station, wherein when the client computer is off when connected to the docking station, the portable computer is powered up (col. 9, lines 15-22).

45.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and Cho to implement a docking station, power up a turned off client computer when the client computer is connected to the network as taught by Cho, and transfer data stored on said storage device in said client computer to said storage device attached to said network as taught by Chang. The motivation for the suggested combination is that implementing a docking station would provide gains obvious to one of ordinary skill in the art such as support for additional interfaces and battery recharging. Furthermore, Cho's teachings would achieve the result of allowing the client computer to automatically power up without user action.

46.   Claims 11, 23, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Serichol Blasco, US Patent #6,892,288 (Blasco hereinafter) and Watanabe et al. US Publication #2004/0107315 (Watanabe hereinafter).

47.   As per claim 11, Chang does not specifically teach the method as recited in claim 1, wherein if said client computer is initially on when connected to said network, but said client computer is turned off, the method further comprises suspending transferring data stored on a storage device in said client computer to said storage device attached to said network, to permit normal backup of files on said client computer.

48.   Blasco teaches of backing up data when a computer is turned off (col. 2, lines 25-31; claim 1).

49.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Chang and Blasco to backup data when the computer is turned off. The motivation for the suggested combination is that Blasco's teachings would provide the predictable result of allowing backup of data on the available hard drives of a user computer as taught by Blasco.

50.   Chang teaches of transferring data to said storage device attached to the said network, but Chang and Blasco do not specifically teach of suspending transferring data to said storage device.

51.   Watanabe teaches of stopping read/write of a volume during a backup process (Paragraph 0017).

52.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to stop reading the storage data including the reading involved when transferring data to said storage device as taught by Chang during a normal backup process as previously taught by Blasco. The motivation for the suggested combination is that suspending reading of a storage device during a backup process such that one backup process is executed would improve the suggested system by providing consistency of data for backup as taught by Watanabe.

53.   As per claim 23, Chang does not specifically teach the system as recited in claim 13, further comprising means for suspending normal backup of files on said client computer while transferring data stored on a storage device in said client computer to said storage device attached to said network if said client computer is initially on when connected to said network, but said client computer is turned off.

54.   Blasco teaches of backing up data on an internal or external drive when a computer is turned off (col. 2, lines 25-31; claim 1).

55.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to backup data or an internal external drive when a computer is turned off as taught by Blasco such that data is transferred (backed up) to said storage device attached to said network

as taught by Chang. The motivation for the suggested combination is that Blasco's teachings would assure that data is backed up to an available storage drive.

56.   Chang does not specifically teach of suspending normal backup.

57.   Watanabe teaches of stopping read/write of a volume during a backup process (Paragraph 0017).

58.   A client computer backing up data is well known in the art such as backing up to an internal drive as taught Blasco, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to stop reading the storage data for tasks such as a normal backup when data is transferred to an external storage for backup as taught by Chang and Blasco. The motivation for the suggested combination is that suspending reading of a storage device during a backup process such that one backup process is executed would improve the suggested system by providing consistency of data for backup as taught by Watanabe.

59.   As per claim 35, Chang does not specifically teach the computer program product as recited in claim 25, further comprising computer readable code means so that in the method, if said client computer is initially on when connected to said network, but said client computer is turned off, the method further comprising suspending normal backup of files on said client computer while transferring data stored on a storage device in said client computer to said storage device attached to said network.

60.   Blasco teaches of backing up data on an internal or external drive when a computer is turned off (col. 2, lines 25-31; claim 1).

61.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to backup data or an internal external drive when a computer is turned off as taught by Blasco such that data is transferred (backed up) to said storage device attached to said network

as taught by Chang. The motivation for the suggested combination is that Blasco's teachings would assure that data is backed up to an available storage drive.

62.   Chang does not specifically teach of suspending normal backup.

63.   Watanabe teaches of stopping read/write of a volume during a backup process (Paragraph 0017).

64.   A client computer backing up data is well known in the art such as backing up to an internal drive as taught Blasco, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to stop reading the storage data for tasks such as a normal backup when data is transferred to an external storage for backup as taught by Chang and Blasco. The motivation for the suggested combination is that suspending reading of a storage device during a backup process such that one backup process is executed would improve the suggested system by providing consistency of data for backup as taught by Watanabe.

65.   Claims 12, 24, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of Fanning et al. US Patent #6,742,023 (Fanning hereinafter).

66.   As per claims 12, 24, and 36, Chang teaches of transferring data from said storage to said server. Chang does not specifically teach a condition in the invention as recited in claims 1, 13, and 25 wherein if said client computer is disconnected from said network during a first backing up of data on said client computer to a storage device attached to said network, and said client computer is again connected to said network, the method further comprises backing up said client computer to said storage device on said network a second time, and transferring sequentially to said server data transferred to said storage device before said client was disconnected from said network, and then data transferred to said storage device during said second time.

67.   Fanning teaches a system for transferring data between a client and server, wherein if there is a

disconnection during file transfer, the file transfer is resumed when reconnected (col. 7, lines 49-55).

68.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings of Chang and Fanning to resume file transfer after reconnection when there is a

disconnection during the file transfer.   The motivation for the suggested combination is that Fanning's

teachings to resume file transfer would allow efficient transmission of data by reducing the time and

bandwidth required for retransmission.   It would have been also obvious to one of ordinary skill that if

data is available on the storage device, it may be transferred first, i.e. in sequence, manually by the user or

automatically in order to synchronize data.

Conclusion

69.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

70.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the date of this final action.

71.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

72.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

73.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2154

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454